

REMARKS**INTRODUCTION**

In accordance with the foregoing, claims 1, 12, and 23 have been amended, and claims 38-40 have been added. Reconsideration of the allowability of pending claims is respectfully requested.

Claims 1, 6-9, 11, 12, 17-20, 22-25, and 28-40 are pending and under consideration.

REJECTION UNDER 35 USC §103

Claims 1, 6-9, 11, 12, 17-20, and 22-25 stand rejected under 35 USC §103(a) as being unpatentable over Park, U.S. Publication No. 2001/0043522, in view of Oohchida et al., U.S. Patent No. 6,584,060; claims 28-34 stand rejected under 35 USC §103(a) as being unpatentable over Park in view of Oohchida et al., and further in view of Kim, U.S. Patent No. 6,337,841; claim 35 stands rejected under 35 USC §103(a) as being unpatentable over Park in view of Oohchida et al., and Kim, and further in view of Ohnishi et al. U.S. Patent No. 6,507,009; claim 36 stands rejected under 35 USC §103(a) as being unpatentable over Park in view of Oohchida et al., and Kim, and further in view of Fujita, U.S. Patent No. 5,097,462; claim 37 stands rejected under 35 USC §103(a) as being unpatentable over Park in view of Oohchida et al., and Kim, and further in view of Tajiri, U.S. Patent No. 6,072,607. These rejections are respectfully traversed.

The Advisory Action issued June 23, 2008, indicated that the Office Action was interpreting the claimed focus of the hologram element as being distinct from the claimed collimating lens, even though applicants had claimed the same focusing operation of the collimating lens being placed between the light source and the collimating lens, and thus determinative of light properly reaching the collimating lens so the collimating lens can act as desired, i.e., to generate collimated light.

Rather, the Advisory Action indicated that the claimed focusing of the hologram element was being more broadly interpreted as any eventual desired placement of light on a light observation element further downstream of the collimating lens.

Based on the previous responses and pending claims applicants believed that claimed focusing must be interpreted in view of the required operation of the collimating lens, i.e., by definition or inherently that any change in the focus by the hologram element will affect whether the collimating lens properly generates collimated light.

Similarly, applicants further believed that the focusing of the hologram element should have been interpreted in view of the limited focus length of the collimating lens, i.e., with such a limited focal length any focusing of the hologram element could have an operational affect on the whether the collimating lens operates to actually collimate light.

Regardless, to further clarify this inherent linkage between the claimed focusing and the collimating lens, the independent claims have been amended to remove the particular focal length requirement and added that:

“the hologram optical element focuses the light emitted from the light source based on the focal length of the collimating lens to change a focus of the light emitted from the light source and incident on the hologram optical element to coincide with a focal length permitting a generation of substantially collimated light by the collimating lens different from light incident on the collimating lens that does not coincide with the focal length of the collimating lens and which does not permit the generation of the substantially collimated light by the collimating lens.”

Park fails to set forth any disclosure or suggestion about the relatedness of the movement of the diffraction element and the focal length of the collimating lens.

Conversely, Park inherently sets forth that the system should not be concerned with the focal length of the collimating lens or that the diffraction grating would not change the direction of light sufficiently to be of concern. Thus, there is no relationship between any interpreted focus of the diffraction grating and the focal length of the collimating lens.

The present application in paragraph [0037], for example, sets forth:

“The optical element 13 adjusts the convergence and/or the divergence of the light so that the light which passes through the collimating lens 15 and proceeds to the objective lens 19 is a parallel light or close to a parallel light and has a degree of parallelism within a tolerable range. The optical element 13 may be disposed between the light source 11 and the collimating lens 15.”

Thus, only the present application sets forth such a claimed relationship between the claimed hologram element and the focal length of the collimating lens to ensure sufficiently collimated light is generated by the collimating lens.

Accordingly, in view of the above, it is respectfully submitted that the diffraction grating 12 of Park cannot be interpreted to meet the claimed hologram element focusing light with the claimed relatedness with the focal length of the collimating lens. It is further respectfully

submitted that the remaining relied upon references similarly fail to disclose such a deficient feature. In addition, for at least their dependence on the allowable independent claims and their respective features, it is respectfully submitted that the dependent claims are also allowable.

Withdrawal of this rejection and allowance of all pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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